



LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY  
MIKE STRAIN DVM  
COMMISSIONER



**FERTILIZER COMMISSION HEARING**

**October 15, 2009**

**10:00 am**

**Agricultural Chemistry Conference Room**

**Agricultural Chemistry Building**

**Highland Road between Parker Coliseum and Efferson Hall**

**Proceedings**

**Agricultural &  
Environmental  
Sciences**

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Baton Rouge,  
LA 70821  
(225) 925-3770  
Fax: 925-3760

**Agro-Consumer  
Services**

P.O. Box 3098  
Baton Rouge,  
LA 70821  
(225) 922-1341  
Fax: 923-4877

**Animal Health  
Services**

P.O. Box 1951  
Baton Rouge,  
LA 70821  
(225) 925-3962  
Fax: 925-4103

**Forestry**

P.O. Box 1628  
Baton Rouge,  
LA 70821  
(225) 925-4500  
Fax: 922-1356

**Management  
& Finance**

P.O. Box 3481  
Baton Rouge,  
LA 70821  
(225) 922-1255  
Fax: 925-6012

**Marketing**

P.O. Box 3334  
Baton Rouge,  
LA 70821  
(225) 922-1277  
Fax: 922-1289

**Soil & Water  
Conservation**

P.O. Box 3554  
Baton Rouge,  
LA 70821  
(225) 922-1269  
Fax: 922-2577

**CALL TO ORDER**

The hearing was called to order by Fred Bass at 10:01 am

**ROLL CALL**

The roll was called by Lauren Boydston

**Members Present**

**Members Absent**

Fred Bass representing -----	Commissioner Mike Strain
Dr. David Morrison representing -----	Dr. David Boethel
Jay Stevens representing -----	Dr. Paul Coreil
Don Philley	
	Ronnie Anderson

**Other Attendees**

Tabitha Gray  
Lindsey Hunter  
Dr. Mark LeBlanc  
Lauren Boydston  
Cheryl McGee  
Todd Parker

**DECLARATION OF A QUORUM**

Fred Bass declared a quorum present

**APPROVAL OF MINUTES**

Mr. Don Philley made a motion to approve the minutes. Mr. Jay Stevens seconded the motion.  
Motion passed unanimously.

### **SET NEXT DATE FOR HEARING**

Hearing is set for Thursday, October 14, 2010.

### **OLD BUSINESS**

None at this time

### **HEARING OF CASES**

Hearing turned over to Ms. Lindsey Hunter, Hearing Officer from Attorney General's Office. All Findings of Fact and Law will be made by the Commission members. She asked Ms. Gray to call cases as she see fit. Ms. Gray asked Dr. LeBlanc to call cases and recommend fines.

### **CASES**

Dr. LeBlanc offered into evidence the charge letters and stipulations for each of the cases. Ms. Hunter accepted all documents offered into evidence.

Mr. Don Philley moved to find all companies guilty of failing to timely file tonnage reports. Mr. Jay Stevens seconded the motion. Motion passed unanimously.

### **Cases continued from last year**

#### **Case 08-10-15**

Dr. Mark LeBlanc asks that findings of fact and conclusions of law that R&J Partnership be fined \$100.00 per violation for a total fine of \$300.00. A motion was made by Dr. David Morrison that R&J Partnership be fined \$100.00 per violation for a total fine of \$300.00. Mr. Don Philley seconded the motion. Motion passed unanimously.

#### **Case 08-10-14**

Dr. Mark LeBlanc asks that findings of fact and conclusions of law that Red Fox Fertilizer be fined \$100.00 per violation for a total fine of \$300.00. A motion was made by Dr. David Morrison that Red Fox Fertilizer be fined \$100.00 per violation for a total fine of \$300.00. Mr. Don Philley seconded the motion. Motion passed unanimously.

### **Case with 4 violations**

#### **Case 09-10-03**

Dr. Mark LeBlanc asks that findings of fact and conclusions of law that Red Fox Fertilizer be fined \$250.00 per violation for a total fine of \$1000.00. A motion was made by Mr. Don Philley that Red Fox Fertilizer be fined \$250.00 per violation for a total fine of \$1000.00. Dr. David Morrison seconded the motion. Motion passed unanimously.

### **Cases with 3 violations**

#### **Case 09-10-01**

Dr. Mark LeBlanc asks that findings of fact and conclusions of law that Erth Products be fined \$400.00 per violation for a total fine of \$1200.00. A motion was made by Dr. David Morrison that Erth Products be fined \$400.00 per violation for a total fine of \$1200.00. Mr. Jay Stevens seconded the motion. Motion passed unanimously.

#### **Case 09-10-02**

Dr. Mark LeBlanc asks that findings of fact and conclusions of law that Stark Bro's Nurseries and Orchards be fined \$100.00 per violation for a total fine of \$300.00. A motion was made by Dr. David Morrison that Stark Bro's Nurseries and Orchards be fined \$100.00 per violation for a total fine of \$300.00. Mr. Don Philley seconded the motion. Motion passed unanimously.

### **End of cases**

Hearing was turned back over to Mr. Fred Bass at 10:25 once the last case was discussed.

### **NEW BUSINESS**

Dr. Mark LeBlanc updated the commission on Fertilizer Program activities for the 2008-09 year. The department took approximately 1000 fertilizer samples for the fiscal year 2008-09. This number was down from the average of 1300 samples per year. The reason for the low sampling this past year was due to the fact that there are fewer inspectors in the field. Deficiency penalties are back to normal after a high year during 2007/2008 because of high fertilizer values.

Dr. Mark LeBlanc requested approval to submit a notice of intent to redefine "small packages" in regulations. As it states now, a small package is any liquid fertilizer that is 16oz or less and any dry material that is 10lbs or less. He is proposing in the notice of intent to change the maximum to anything less than 5 gallons in liquid fertilizer, and anything less than 50lbs in dry material. This does not include 5 gallons or 50lbs. Mr. Don Philley made the motion to accept the notice of intent. Mr. Jay Stevens seconded the motion. Motion passed unanimously.

### **PUBLIC COMMENTS**

None

### **ADJOURN**

At 10:30, Dr. David Morrison made the motion to adjourn the hearing. Mr. Don Philley seconded the motion. Motion passed unanimously.